

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 09-00036-01-CR-W-GAF
)	
STEVEN E. MIKOLOYCK,)	
)	
Defendant.)	

ORDER

Now pending before the Court is Defendant's Motion to Dismiss for Outrageous Government Conduct (Doc. #15); Motion to Suppress Video and Audio Recording of January 31, 2009 Statement or in the Alternative to Order Redaction (Statement #1) (Doc. #16); and Motion to Suppress Statement of February 1, 2009 (Statement # 2) (Doc. #17).

On June 9, 2009, United States Magistrate Judge Sarah W. Hays conducted an evidentiary hearing on defendant's motions. On November 13, 2009, United States Magistrate Judge Sarah W. Hays issued her Report and Recommendation (Doc. #38).

Upon careful and independent review of the pending motions, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Sarah W. Hays.

Accordingly, it is hereby ORDERED that Defendant's Motion to Dismiss for Outrageous Government Conduct (Doc. #15) and Defendant's Motion to Suppress Video and Audio Recording of January 31, 2009 Statement or in the Alternative to Order Redaction (Statement #1) (Doc. #16) are OVERRULED and DENIED.

IT IS FURTHER ORDERED that Defendant's Motion to Suppress Statement of February 1, 2009 (Statement #2) (Doc. #17) is GRANTED.

SO ORDERED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: December 7, 2009